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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE SPECTRUM
PHARMACEUTICALS, INC.

SECURITIES LITIGATION

Case No.: 2:16-cv-02279-RFB-GWF

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANTS TO
FILE ANSWER TO AMENDED
COMPLAINT [ECF NO. 52]**

(FIRST REQUEST)

Defendants Spectrum Pharmaceuticals, Inc., Joseph Turgeon and Lee Allen ("Spectrum Defendants"), by and through their counsel of record, the law firms of Peterson Baker, PLLC and Paul Hastings LLP, Defendant Rajesh Shrotriya ("Shrotriya"), by and through his counsel of record, the law firms of Snell & Wilmer, L.L.P. and Fenwick & West LLP (the Spectrum Defendants and Shrotriya are collectively, "Defendants"), and Plaintiffs Michael Bestwick and Mark Hawkins ("Plaintiffs"), by and through their counsel of record, the law firms of Leverty & Associates Law Chtd., The Rosen Law Firm, P.A. and Bronstein Gewirtz & Grossman, LLC hereby agree and stipulate, subject to the Court's approval, as follows:

1. Plaintiff Glen Hartsock filed his Complaint [ECF No. 1] on September 28, 2016.

2. An Order to Consolidate [ECF No. 48] Case Nos. 2:16-cv-02649-KJD-VCF and 2:16-cv-02279 RFB-GWF was entered on October 6, 2017.

3. Plaintiffs' Amended Complaint [ECF No. 52] was filed on November 21, 2017, identifying proposed lead plaintiffs as Michael Bestwick and Mark Hawkins.

4. Defendants' Motion to Dismiss the Consolidated Amended Complaint [ECF No. 56] ("Motion to Dismiss") was filed January 19, 2018, and a hearing on the motion was held on September 21, 2018.

5. The Court granted the Motion to Dismiss in part and denied it in part. Specifically, the Court granted the Motion to Dismiss as to defendants Kurt A. Gustafson and Joseph K. Keller and denied the Motion to Dismiss as to the remaining Defendants. *See* Minutes of Proceedings [ECF No. 80].

6. The parties filed their Joint Report of Fed. R. Civ. P. 26(f) Conference and Discovery Plan Pursuant to Local Rule 26-1 [ECF No. 82] ("Discovery Plan") on October 3, 2018.

7. In the Discovery Plan, Plaintiffs proposed that Defendants' answers to the Amended Complaint should be filed no later than November 5, 2018. Defendants proposed the deadline should be 30 days from the denial of either the motion for certification or the interlocutory appeal, if applicable. In the Discovery Plan, the parties agreed that an Answer would not need to be filed before November 5, 2018, subject to further order of the court.

8. Defendants did file their Joint Motion to Certify Motion to Dismiss Order [ECF No. 80] for Interlocutory Appeal to 28 U.S.C. §1292(b) [ECF No. 87] on October 22, 2018, and further filed their Joint Motion for a Stay of Proceedings Pending Outcome of Motion for Certification for Interlocutory Appeal Pursuant to 28 U.S.C. §1292(b) [ECF No. 88] on October 22, 2018.

9. On October 16, 2018, the Court entered a Scheduling Order [ECF No. 84], but did not identify an Answer date from the proposals by both Plaintiffs and Defendants.

10. Plaintiff Glen Hartsock filed his Notice of Dismissal Without Prejudice [ECF No. 90] on October 29, 2018.

11. So there is no ambiguity, the parties have agreed to extend any deadline for Defendants to file their answers to the Amended Complaint [ECF No. 52] from November 5, 2018 through and including November 30, 2018.

12. In light of the foregoing, the Parties submit that good cause exists for the Court to approve this Stipulation, and respectfully request that, as set forth herein, the Court extend the time for Defendants to file their answer to the Amended Complaint.

13. This is the first stipulation for extension of time to file an Answer.

DATED: October 31, 2018.

Respectfully submitted,

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Attorneys for Defendant Dr. Raj Shrotriya

ORDER

IT IS SO ORDERED.

DATED: 11/01/2018


THE HONORABLE GEORGE W. FOLEY
UNITED STATES MAGISTRATE JUDGE